THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19183 OF 2005

DATED: 31.08.2005

Between:

M. Raju

… PETITIONER

AND

The APSRTC, rep., by its Regional Manager,

Vijayawada, Krishna District & another.

… RESPONDENTS

ORAL ORDER:

The petitioner was initially appointed as a driver in the APSRTC. Subsequently, he was promoted as Travelling Ticket Inspector (TTI). He conducted inspection of a bus bearing

No.AP 10Z 3946 on 19.08.2005. The bus was hired to a marriage party. According to the relevant rules, the bus was to carry not more than 62 passengers. Any passengers over and above 62, were liable to be issued the tickets. On finding that the bus was carrying seven passengers in excess of the maximum limit, the

petitioner registered a case against the conductor.

The 2nd respondent issued a charge sheet, against the petitioner on 20.08.2005, alleging that he failed to record the statements of seven passengers, who were found in excess of the maximum limit. There are no other charges. The petitioner was placed under suspension through a separate order on the same day. He challenges the same.

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

Ordinarily, this Court does not interfere with the orders of suspension pending enquiry. This case presents a peculiar situation. The petitioner himself was among the checking staff. He booked a case against the conductor of the bus referred to above, on the ground that he failed to issue tickets to seven passengers, who were found in excess of the permissible limits. The only allegation against the petitioner is that he did not record the statements of the seven passengers.

The 2nd respondent treated the instant case on par with other cases, where the conductors are found to have collected the fare and failed to issue tickets during the course of the inspection or checks. In such cases, the statements of the passengers, who were traveling without tickets, are required to be recorded. In the instant case, the passengers in the entire bus were of a marriage party. No individual can be treated as an excess passenger or a passenger without ticket. It is by head count that the lapse on the part of the conductor has to be taken note of. That, in fact, was done by the petitioner. The question of recording statements of passengers does not arise when none of them can be identified as a passenger without ticket.

In that view of the matter, the writ petition is allowed, and the order of suspension, passed against the petitioner, is set aside. It is, however, left open to the respondents to proceed with the enquiry and conclude the same in accordance with

law. No order as to costs.

31.08.2005

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